

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE**

**M.S. (a minor, by his parents
and next friends, Derek Stepp and Sharonda
Covington), et al.**

Plaintiffs, individually and on behalf
of all others similarly situated,

v.

**HAMILTON COUNTY DEPARTMENT OF
EDUCATION,**

Defendant

CASE NO: 1:16-cv-00501

PLAINTIFFS' RENEWED MOTION FOR SCHEDULING CONFERENCE

COME NOW, Plaintiffs M.S., a minor, Sharonda Covington, and Derek Stepp, individually and on behalf of M.S. and all others similarly situated (hereinafter "Plaintiffs"), by and through counsel and pursuant to Federal Rules of Civil Procedure 7 and 16, respectfully request that the Court set a scheduling conference in this matter. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs' Amended Complaint was filed on December 22, 2016. (Dkt. 3).
2. On January 11, 2017, Defendant Hamilton County Department of Education (hereinafter "HCDE") were served with the Amended Complaint. (Dkt. 10).
3. On September 29, 2017, this Court entered a Memorandum Opinion and Order dismissing all claims set forth in the Amended Complaint, and entered a Judgment. (Dkt. 52, 53).
4. On October 16, 2017, Plaintiffs filed a Notice of Appeal. (Dkt. 54).
5. On November 1, 2018, the United States Court of Appeals for the Sixth Circuit entered an Order in which it, *inter alia*, reversed this Court's dismissal of Defendant HCDE. (Dkt. 50-2).

6. On December 19, 2018, the United States Court of Appeals for the Sixth Circuit issued the mandate for the aforementioned appeal. (Dkt. 57).

7. On January 4, 2019, Defendant HCDE filed an Answer to the Amended Complaint. (Dkt. 58).

8. Plaintiffs would like to proceed with written discovery as soon as is practicable and submit that deadlines and a trial date should be set in this matter.

WHEREFORE, for all of the reasons stated above, Plaintiffs respectfully request that the Court set a scheduling conference pursuant to FRCP 16, and for any other relief that justice requires.

Respectfully submitted,

s/ Bryan M. Meredith

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th of March, 2019 a copy of the foregoing document was served electronically via the Court's ECF System.

s/ Bryan M. Meredith